

REMARKS

Applicants respectfully request reconsideration and allowance of the present application in view of the above amendments and the following remarks.

In response to the Notice of Non-Compliant Amendment of 05/03/2010, a proper status identifier has been added to every claim.

Claim 1 has been amended to correct grammar and to broaden the claim.

Claim 5 has been amended to make it independent and to add "means for writing".

Claims 21 and 22 have been added because applicant believes that "the location of the OPC-area in the data area depending on an amount of data in the data stream to be written on the disc" distinguishes the claims from the prior art.

Claim 23 has been added because applicant believes that "the information to be recorded is substantially equally divided between the first layer and the second layer" distinguishes the claim from the prior art.

Claim 24 has been added because applicant believes that "the first and second middle zones are approximately equal in size and approximately coextensive, and the first and second data zones are approximately equal in size and approximately coextensive" distinguishes the claim from the prior art.

Claim 25 has been added because applicant believes that "the unused data area is divided approximately equally between a first unused data area of the first layer and a second unused data area of the second layer," and "the unused data area of the first layer is approximately coextensive with the unused data area of the second layer" distinguishes the claim from the prior art.

Claim 26 has been added because applicant believes that "approximately half of the data stream is written to each of the first and second data zones, and substantially none of the data stream is written to the first and second middle areas," and "at least one OPC-area is written in the first or second middle area

near the radius R1 or R2" distinguishes the claim from the prior art.

Claim 27 has been added because applicant believes that "the disk is a write once disc, and a data size of the stored data stream is variable between disks, and the size and location of the lead-out area is independent of the data size of the stored data stream" distinguishes the claim from the prior art. Regardless of the data size of the data stream, the position at which the data writing switches between layers can be adjusted to always have the same location and size of the lead-out zone.

Claim 28 has been added because applicant believes that "the disk is a write once disc, and a data size of the stored data stream is variable between disks, and the size of the lead-out area is independent of the data size of the stored data stream" distinguishes the claim from the prior art.

Claims 29 and 30 have been added because applicant believes that the "OPC-area variably located on at least one of the layers of the dual layer disc, and wherein the OPC-area is in the first or second data zones and outside of the area to be recorded with the data stream" distinguishes the claim from the prior art.

In response to the rejection of claim 6 under 35 USC 112, 1st para. and 2nd para., the claim has been amended to eliminate this issue.

In response to the rejection of claims 1-6 under 35 USC 103(a) as being obvious in view of US2003/0227846 to Lee and US6738329 to Hsiao, applicant traverses the rejection.

More specifically, the combination does not disclose "at least one of the variably located OPC-areas is positioned on the first or second layer and located relatively close to a radius where the data stream switches from the first layer to the second layer" as recited in claims 1 and 6. Thus, claims 1 and 6 are allowable.

In addition there is no suggestion teaching or motivation in the prior art to combine the citations, and the claimed invention would not have been a predictable result of combining Lee and Hsiao because in combination they fail to disclose all the elements of

the invention of claims 1 and 6.

Claims 2-5 are dependent on claim 1 and thus allowable for at least the same reasons as claim 1.

In addition, Applicants deny any statement, position or averment of the Examiner that is not specifically addressed by the foregoing argument and response. Any rejections and/or points of argument not addressed would appear to be moot in view of the presented remarks. However, the Applicants reserve the right to submit further arguments in support of the above stated position, should that become necessary. No arguments are waived and none of the Examiner's statements are conceded.

Applicants have made a diligent and sincere effort to place this application in condition for immediate allowance and notice to this effect is earnestly solicited.

Applicant may be reached by telephone at the number given below.

The Commissioner is hereby authorized to credit any overpayment or charge any fee (except the issue fee) including fees for any required extension of time, to Account No. 14-1270.

Respectfully submitted,

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